

PATENT

ATTY. DOCKET: D4701-00198

III. Remarks

Claims 1-75 are pending in the current application. Applicants are grateful to the Examiner for allowing Claims 36-69. Reconsideration and withdrawal of the rejection of the remaining claims are respectfully requested in view of the foregoing amendments and following arguments.

Claim Rejection Under 35 U.S.C. § 101

The Action rejects Claims 1-35 and 70-75 as being directed to non-statutory subject matter. Specifically, the Examiner cites a two-prong test of (1) whether the invention is within the technological arts; and (2) whether the invention produces a useful, concrete and tangible result. The Examiner concedes that prong (2) of the test is met, but concludes that the invention is not within the technological arts.

Claim 1 has been amended to recite the steps of: "electronically receiving evaluation data for said environment received from at least one individual participating in said environment, said evaluation data representing impressions of said individual regarding said environment" and "electronically receiving ~~from said individual responsible for said environment~~ a selection of at least one of said one or more dimensions of said environment received from said individual responsible for said environment".

Claim 70 has been amended to recite the step of: "electronically receiving evaluation data for said environment received from at least one individual participating in said environment, said evaluation data representing impressions of said individual regarding said environment".

Applicants submit that Claims 1 and 70 as amended are clearly directed to the "technological arts" as they recite in the bodies of the claims, as required by the Examiner, use of an electronic device (e.g., a computer) to accomplish the recited receiving steps.

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Applicants respectfully request entry of the amendments as directed to a matter of form that do not add new matter or require additional search, as evidenced, for example, by the allowance of Claims 36-69. It is submitted that Claims 1 and 70 are allowable as directed to statutory subject matter under §101. Claims 2-35 and 71-75 depend from independent Claims 1 and 70 and, it is submitted, are also allowable. Reconsideration and withdrawal of the rejection of these claims are respectfully requested.

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IV. Conclusion

In view of the foregoing remarks and amendments, Applicants submit that this application is in condition for allowance at an early date, which action is earnestly solicited.

The Assistant Commissioner for Patents is hereby authorized to charge any additional fees or credit any excess payment that may be associated with this communication to deposit account 04-1769.

Respectfully submitted,

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